



US Army Corps
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SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 26714N DATE: April 18, 2005

RESPONSE REQUIRED BY: May 18, 2005

PROJECT MANAGER: Katerina Galacatos

TELEPHONE: (415) 977-8440

Email: Katerina.Galacatos@sp02.usace.army.mil

1. INTRODUCTION: Mr. Chris Peterson, of Rivendale Homes, 1160 North Dutton Avenue, Suite 240, Santa Rosa CA 95401, through his agent, Mr. Laurence P. Stromberg (415-721-0700) has applied for a U.S. Army, Corps of Engineers (Corps) permit to place fill into 6.04 acres of waters the United States. The purpose of this permit is to construct the residential subdivision Montage I and II in Santa Rosa, Sonoma County, California (Figure 1). This permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. § 1344). Section 404 regulates the discharge of dredged and fill material below the plane of ordinary high water in non-tidal waters of the United States and within the lateral extent of wetlands adjacent to these waters.

The Montage I and II project site is comprised of four (4) parcels, totaling approximately 13.37 acres, of which all are proposed for residential development. The site occurs within the City of Santa Rosa (Figure 2). The Montage project site is bound on the south by San Miguel Avenue, on the north by undeveloped private property, on the east by the proposed Northview subdivision, and on the west by Fulton Avenue.

2. PROPOSED PROJECT:

Project Site: Land uses for the Montage project site include open pasture for horses, farming and rural residences. The City of Santa Rosa has recently rezoned the Montage I phase as single-family dwellings and the Montage II phase as single and multiple family dwellings.

The project site has 6.04 acres of jurisdictional wetlands and a 0.0025 acre (108 square feet) drainage ditch (Figure 3). In accordance with our regulations, the site was delineated using the Corps Wetland Delineation Manual (Corps, 1987). The Corps verified the applicant's delineation, prepared by Laurence P. Stromberg, on 27 March 2002.

The non-wetland grassland cover is dominated by non-native Italian ryegrass (*Lolium perenne*), wild oats (*Avena fatua*), soft chess (*Bromus hordaceus*) and ripgut brome (*Bromus diandrus*). The wetlands range from functioning vernal pools to highly disturbed wetlands. The eastern portion of the project site has functioning vernal pools dominated by California semaphore grass (*Pleuropogon californicus*) and manna grass (*Glyceria occidentalis*). Subdominant and locally common species include popcorn flower (*Plagiobothrys stipitatus*), Downingia (*Downingia cuspidata*), water starwort (*Callitriche marginata*), annual bluegrass (*Poa annua*), toad rush (*Juncus bufonius*), purple loosestrife (*Lythrum hyssopifolium*) and spiny buttercup (*Ranunculus muricatus*). The western portion of the site has wetlands dominated by Italian ryegrass (*Lolium perenne*), curly dock (*Rumex crispus*), toad rush (*Juncus bufonius*) and spiny buttercup (*Ranunculus muricatus*).

Project Description: The applicant proposes to construct 28 lots for single-family units on Montage I (Figure 4) and 68 single and multi-family units on Montage II (Figure 5). Both Montage I and II will have vehicle access from San Miguel Avenue and each subdivision will have an internal loop roadway.

Purpose and Need: The applicant states that the basic purpose of this project is to provide residential housing, a non-water dependent activity. The overall project purpose is to develop moderate and market-rate housing units consistent with the City of Santa Rosa's General Plan.

Impact: Development of the proposed Montage I and II residential subdivision project would result in the permanent filling of all 6.04 acres of jurisdictional wetlands and the 108 square feet drainage ditch. The applicant proposes to proceed with construction in two phases. Construction of Montage I, scheduled for 2005, consists of parcels 034-041-04 and 034-041-05 and would result in 1.43 acres of wetland fill. Construction of Montage II, scheduled for 2006, consists of parcels 034-041-13 and 034-041-14 and would result in 4.61 acres of wetland fill.

Proposed Mitigation: The applicant proposes to mitigate for the impacts to aquatic resources by creating 5.69 acres of wetlands and enhancing 2.48 acres of wetlands (Figure 6) at the proposed Slippery Rock California Tiger Salamander Mitigation Bank, 4434 Hall Road (APN 130-010-053) (Figure 7). Mr. Peterson has applied for authorization to discharge fill material into 0.029 acres of jurisdictional waters and wetlands required for the wetland creation and enhancement at the proposed Slippery Rock California Tiger Salamander Mitigation Bank.

Wetland mitigation is proposed to occur in 2005, concurrent to construction of Montage I and consistent with the July 17, 1998 programmatic formal consultation for U.S. Army Corps of Engineers Section 404 of the Clean Water Act permitted projects that may affect four endangered plants on the Santa Rosa Plain, California. The wetland impacts for Montage I will be mitigated at a 1.5:1 ratio and wetland impacts for Montage II will be mitigated at a 1:1 ratio if successful wetland

hydrology is demonstrated after the first winter. Based on the March 15, 2005 revised application of the HQE, The Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain (December 1998), enhancing 2.48 acres of existing wetland will result in 1.31 acres of creation credit. Therefore, Mr. Peterson will receive 7 acres of wetland creation credit for the mitigation undertaken at the proposed Slippery Rock California Tiger Salamander Mitigation Bank.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the United States Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS), if a Corps permitted project may adversely affect any federally listed threatened or endangered species or its designated critical habitat.

The Corps has initiated consultation with the U.S. Fish and Wildlife Service concerning the federally listed California tiger salamander (*Ambystoma*

californiense), many-flowered navarretia (*Navarretia leucocephala* ssp. *pliantha*), Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*) and Burke's goldfields (*Lasthenia burkei*).

The Inventory of Rare Plant Locations and Sites Surveyed for Wetland Resources on the Santa Rosa Plain, Sonoma County (1994) documented extant populations of Sonoma sunshine (*Blennosperma bakeri*) on one parcel of Montage II (APN 034-041-013) during 1988 and 1992. Sonoma sunshine was not observed during 1990 and 1991 inventory surveys. Botanical surveys were conducted by Laurence Stromberg in the spring of 1998 and 2001. These surveys did not locate any of the federally listed endangered plant species however California listed plant species of special concern, Lobb's aquatic buttercup (*Ranunculus lobbii*) was observed in the western portion of the project site. Adult-juvenile and larval California tiger salamander surveys conducted on the Montage I and II project sites during the winter months of 2002-2003 and 2003-2004 were negative. The U.S. Fish and Wildlife Service issued a letter of "No Effect" for the construction of Montage I and II on March 3, 2005.

The applicant's Biological Assessment can be reviewed at the Corps's San Francisco office.

Magnuson-Stevens Fisheries Conservation and Management Act: NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. No specific EFH concerns associated with this proposal have been identified.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for

a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to Andrew Jensen at the North Coast Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water or wetland dependent. The applicant has submitted an Analysis of Alternatives, which is available for review at the Corps's office in San Francisco.

National Historic Preservation Act of 1966 (NHPA): A cultural heritage survey conducted by the City of Santa Rosa in 1990 did not designate any structure on the project site as historic.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including

cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, federal, state and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to

reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Katerina Galacatos of our office at 415-977-8440 or Katerina.Galacatos@spd02.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided upon request.